

MONTAGUE TOWNSHIP COMMITTEE MEETING

May 25, 2010

MINUTES

Mayor Barbagallo called the session to order at 7:01 p.m. and indicated that adequate notice has been provided to the New Jersey Herald and The Sunday New Jersey Herald for publication in which notice was given of the date, time, place and general agenda of meetings in accordance with the Open Public Meetings Act, P. L. 1975, c. 231.

FLAG SALUTE: All present were asked to join in the Pledge of Allegiance.

ROLL CALL: The Clerk was asked to call the roll.

Present were: Committeemen Brislin, Ponce, Teufert, Zitone and Mayor Barbagallo. Also present were Clerk DeFabiis and Attorney Garofalo

Absent: None

APPROVAL OF MINUTES

Mr. Brislin motioned to approve the minutes of May 11, 2010. Mr. Ponce seconded, and the motion carried with all in favor.

PUBLIC PARTICIPATION REGARDING AGENDA ITEMS

No member of the public wished to speak regarding agenda items.

RESOLUTIONS

R 2010-46 RESOLUTION OF THE TOWNSHIP OF MONTAGUE ACKNOWLEDGING A CHANGE IN THE MATERIALS USED TO RESURFACE WEIDER ROAD IN ACCORDANCE WITH FORMER RESOLUTION 2008-68

Mr. Teufert motioned to approve the resolution with discussion with the attorney. Mr. Zitone seconded. Mr. Garofalo advised that the Ordinance was reworded from the engineer's version to remove any blame to the Township for the use of materials not meeting NJDOT specifications. The motion carried with a unanimous roll call vote.

R 2010-47 REFUND OF DUPLICATE TAX PAYMENT

Mr. Zitone motioned to adopt the resolution. Mr. Ponce seconded, and the motion carried with a unanimous roll call vote.

R 2010-48 2010 BUDGET READ BY TITLE ONLY

Mr. Brislin motioned to adopt the resolution. Mr. Zitone seconded, and the motion carried with a unanimous roll call vote.

R 2010-49 CERTIFICATION OF 2009 ANNUAL AUDIT

Mr. Zitone motioned to adopt the resolution. Mr. Ponce seconded, and the motion carried with a unanimous roll call vote.

R 2010-50 APPROVE CORRECTIVE ACTION PLAN FOR 2009 AUDIT

Mr. Brislin motioned to adopt the resolution. Mr. Zitone seconded, and the motion carried with a unanimous roll call vote.

R 2010-51 DEDICATION BY RIDER RESOLUTION REQUESTING APPROVAL OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR ACCEPTANCE OF BEQUESTS AND GIFTS FOR MAINTENANCE OF MONUMENTS PURSUANT TO N.J.A.C 40A:50-29

Mr. Zitone motioned to adopt the resolution. Mr. Teufert seconded, and the motion carried with a unanimous roll call vote.

R 2010-52 DEDICATION BY RIDER RESOLUTION REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR PUBLIC DEFENDER FEES

Mr. Brislin motioned to adopt the resolution. Mr. Zitone seconded, and the motion carried with a unanimous roll call vote.

R 2010-53 DEDICATION BY RIDER RESOLUTION REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR SMALL CITIES REVOLVING LOAN FUND

Mr. Teufert motioned to adopt the resolution. Mr. Ponce seconded, and the motion carried with a unanimous roll call vote.

ORDINANCES (First Reading)

ORD 2010-08 AN ORDINANCE FIXING THE SALARIES OF OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX AND STATE OF NEW JERSEY FOR THE YEAR 2010.

Mr. Brislin noted that changes needed to be made to eliminate Housing Assistant at \$4,080.00, and another change regarding the salary under Clerical-Construction regarding decrease in hours and hourly wage. After discussion among the committee and Mr. Garofalo, Mr. Garofalo recommended adding a clarification to the ordinance that these changes take effect upon adoption and not be retroactive to January 1. Mr. Brislin motioned to adopt the ordinance upon first reading with the modification to Housing Assistant that there be a parenthetic notation that says 'effective upon adoption of ordinance' and that the amount disclosed will be zero dollars for Housing Assistant, and for the position of Clerical-Construction the same parenthetic notation and the dollar amount of \$29, 682 be replaced with \$17,809. Mr. Ponce seconded. Mayor Barbagallo indicated that the Code Book needs to be changed so that the employee will not lose out on health insurance. Mr. Teufert stated that he was still not convinced \$20 per hour was appropriate for Deputy Clerk. The motion carried with a majority roll call vote, Mr. Teufert and Mr. Zitone voting no.

The above Ordinance was passed upon first reading at a meeting of the Township Committee of the Township of Montague on May 25, 2010. It will be further considered for final adoption at a meeting to be held on June 15, 2010. The public is invited to attend. Copies of the full Ordinance are available in the office of the Municipal Clerk.

CORRESPONDENCE

Montague Recreation Committee - Meg Snyder reported that there will be a Memorial Day Service at 10:00 a.m. at the memorial in front of the municipal building. A request was made to use the 206 softball field for adult softball games for ages 18 and up. Mayor Barbagallo stated they do not need permission. Also requested was replacement of the POW flag which has become somewhat tattered, and permission to hold a community yard sale on Saturday, June 12 from 8:00 a.m. - 4:00 p.m. Permission was granted.

NEW BUSINESS

Spring Clean-up Quotes - After quotes submitted by Blue Diamond Disposal and Northern Sanitation were reviewed by the committee, Mr. Teufert motioned to award the contract to Northern Sanitation. Mr. Zitone seconded, and the motion carried with a majority roll call vote, Mr. Ponce voting no.

REPORTS

Department of Public Works - Mayor Barbagallo read the written report which included updates on road work, erection of a ballfield sign and preparation for construction of fencing for the recycling area.

PUBLIC PARTICIPATION

Mr. Zitone motioned to open to the public. Mr. Teufert seconded, and the motion carried with all in favor.

Dorothy Ames, Shore Drive, commended the policy to have public employees utilized for emergency services.

Deborah Hotalen, Old Chimney Ridge Road, said she has not gotten a raise in the past two years, questions a 35% increase, and felt yearly reviews should be conducted. Mayor Barbagallo explained that overall the committee has cut salaries, but the position in question was a matter of achieving uniformity. Mr. Teufert noted that he has been on the committee three years and no yearly reviews were performed. Mayor Barbagallo remarked that no raises were given during those years.

Rhodi Teufert, Chubby Lane, stated she was speaking as Rhodi Teufert and not ‘Charlie’s wife’. She requested the Mayor or Deputy Mayor speak at the Memorial Day service. She also stated that she felt her husband was being ‘bullied’ when other members of the committee did not agree with him.

Rosemarie Bohinek, New Road, quoted a statement the mayor wrote on an online forum regarding utterances made by a group attending the prior meeting, stating that it was inappropriate and offensive. Mayor Barbagallo insisted that she read the entire comment. Ms. Bohinek refused. She felt the incident was precipitated by the 35% increase, and stated that she was going to send a letter to Trenton to see if she can get it justified. Mayor Barbagallo replied ‘please do.’

Deborah Hotalen, Old Chimney Ridge Road, thought the mayor was referring to her when commenting on behavior during the last meeting. Mayor Barbagallo assured her he was not talking about the comments she made for the record.

At this point the mayor asked for someone who was at the prior meeting to get up and explain what happened.

Jim Guimes, referring to himself as “the old guy from the lake,” stated that the conduct by a number of people seated in the back of the room at the prior meeting was a total disgrace, and constables should be removing people exhibiting that kind of behavior.

Ted Brace - agreed with Mr. Teufert that there were no employee evaluations done. He admitted that there was heckling at the last meeting, but he was not part of it. He stated that you can’t ask the school board to go as high as \$1.3 million doing cuts and then give 2% raises to township employees, and then give one employee a 35% raise. Mayor Barbagallo responded that similar situations have happened before. He also objected to changing an ordinance in order for a part-timer to get health insurance. Mayor Barbagallo stated that it was Mr. Brace who gave health insurance to part-time employees in zoning and land use.

Mark Utter, New Myrtle Drive, handed copies of a certificate of incorporation and a concert brochure to Mr. Garofalo. He stated there was a severe conflict of interest concerning the mayor’s vote on the Deputy Clerk’s raise because he was her business partner, and claimed he had personally witnessed them having dinners together, going to movies, and riding around in a car after hours. He stated there are business, sexual and casual relationships. Mayor Barbagallo stated the business partnership ended over 10 years ago, asked him when he witnessed the above, and demanded proof of his accusations, calling him a weasel. He added that his comments were an insult to the Deputy Clerk. Mayor Barbagallo excused himself and turned the meeting over to Deputy Mayor Brislin, after which Mr. Utter berated Mr. Brislin for ‘supporting this’.

Mark Krebs asked Mr. Garofalo if certification is a requirement to be Deputy Clerk. Mr. Garofalo responded that although it makes good sense for a number of reasons, it is not a legal requirement.

Louanne Cular, New Myrtle Drive, referred to an earlier discussion wherein the mayor mentioned the Clerk not being certified as Registrar when the law went into effect, and therefore the Deputy Clerk was appointed to that position. Ms. Cular, believing the comment was made about former Clerk Diana Francisco, stated that she was indeed certified. She asked Mr. Brislin what days the Construction Department would be closed since the hours are being cut. Mr. Brislin responded that it would be in conjunction with the Construction Official. Ms. Cular voiced concern over reducing services to the contractors and taxpayers.

Dorothy Ames stated that the Township Committee advocates for the taxpayers, and the School Board and teachers advocate for their jobs, positions and their money. She wanted to know who was advocating for the children. She felt someone needs to watch what is going on where such a large portion of tax dollars ends up, while there is virtually nothing for the children.

Deborah Hotalen invited everyone to attend the PTA and School Board meetings to strengthen community spirit and enable successful programs and events like those enjoyed in neighboring towns.

Dorothy Ames questioned the usability of the ballfield behind the school. She requested a report as to when it might be opened.

Mayor Barbagallo returned to the dais and took Deputy Mayor Brislin's seat.

John Donovan stressed the urgency for completion of the tax maps necessary for revaluation of Montague properties. Mr. Ponce stated that the Tax Assessor met with the tax preparers and was told they will be ready in June. Mayor Barbagallo indicated the maps were presently at the County for review and approval.

Joo Ping (*phonetic*) said she never got a raise over 5% and does not see justification for some of the raises that are being given.

Mayor Barbagallo motioned to close to the public. Mr. Zitone seconded.

Mayor Barbagallo apologized for 'blowing his top'. He stated that over the past four years he has seen over a million dollars that should not have been spent, including the project behind the school which was left in 'a mass mess'. He mentioned the four or five ballfields and the Recreation Committee's planned activities for children. He continued that he cannot stand the personal attacks, that there should be respect for this committee and respect for the audience, and the disrespect arises repeatedly from the same source.

Motion to close to the public having been made and seconded, carried with all in favor.

There was a discussion among the committee regarding the scheduling of a meeting between the School Board and the Committee that was approved for notice at the April 27 meeting (no date for meeting was given). Mr. Teufert remarked that the School Board cancelled the meeting because the Committee wasn't going to attend due to the meeting not being noticed. Mayor Barbagallo explained that he was scheduled to meet with the School Board on Monday night with Mr. Zitone. Mr. Zitone remarked that the School Board did not want to meet with the Committee, but noted that the meeting was not noticed. Mayor Barbagallo further explained that at the meeting on Monday night the School Board agreed on a figure, and Mayor Barbagallo was to see if the Committee members would agree to it. When leaving, the School Board said they had a couple of items on their agenda for Wednesday night. On Tuesday Mayor Barbagallo heard of a letter that went out stating that field trips would be cut from students, which changed everything. Clerk DeFabiis remarked that Mr. Wassie had stated to her that the School Board had a 'regular meeting' scheduled for Wednesday night, and if any Committee members wanted to attend they could. Mr. Teufert commented that it was not fair to the School Board because the Committee was not in attendance. Mayor Barbagallo remarked that we did exactly what the School Board wanted.

Mr. Brislin announced that the next committee meeting will be Tuesday, June 15. He added that on Wednesday, June 2 at 7:00 p.m., there will be a Meet the Candidates Night with a question and answer forum similar to previous events. He encouraged the public to attend.

Mr. Brislin asked for clarification from counsel on a letter received from the State regarding the municipal budget process and penalties that may be incurred. Mr. Garofalo explained that the letter was written to ensure compliance for introduction which was satisfied during this meeting.

Mayor Barbagallo motioned to adjourn. Mr. Zitone seconded, the motion carried with all in favor, and the meeting adjourned at 9:10 p.m.

Respectfully Submitted:
EILEEN DEFABIIS, RMC
Municipal Clerk